

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.659 OF 2004

IN

SUIT NO.3181 OF 1992

Bimla singh Ramlakhan Singh Plaintiffs
v/s.
1. Kamla Singh Ramlakhan
Singh and Anr. Defendants
AND
1. Smt. Ramrati Kamla Singh
and Ors. Respondents

D.S. Sakhalkar with M.A.Shah for the respondents to
show cause.

J. Rego i/b. R.S. Upadhyey for the plaintiffs in
support.

CORAM: S.U. KAMDAR, J.

DATE : 22ND FEBRUARY, 2005.

P.C. :

1. The present chamber summons is to bring the legal heirs of the original defendant no.1 and 2 on record. In so far as the defendant no.1 is concerned earlier a chamber summons was taken out being chamber summons no. 116 of 1995 which was dismissed for

default on 11.2.1997 and therefore an application is made for setting aside the order dated 11.2.1997. In view of the fact that the present chamber summons is in respect of bringing the legal heirs of both the defendants on record I see no reason to pass separate orders for restoration of the said chamber summons no. 116 of 1995. In the present case there is delay in bringing the legal heirs on record. An explanation is furnished in the affidavit in support of the said chamber summons. In my opinion the explanation given in the affidavit in support makes out sufficient cause. I set aside the abatement and make the chamber summons absolute in terms of prayer clause (a). Chamber Summons disposed off accordingly. There shall be no order as to costs.

sd/-
